

Attorney Docket No.: 60188-606
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
	:	Customer No.20277
Kazuhiko YAMAMOTO	:	
	:	Confirmation No.: 1774
Serial No.: 10/602,915	:	
	:	Group Art Unit: 2811
Filed: June 25, 2003	:	Examiner: QUANG D. VU
	:	
For: SEMICONDUCTOR DEVICE AND METHOD FOR FABRICATING THE SAME	:	

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Non-Fee Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed February 24, 2004, having a shortened statutory period for response set to expire March 24, 2004, wherein the Examiner required restriction between the following Groups:

- | | | |
|----------|---|---|
| Group I | - | Claims 1-4 and 19, drawn to a semiconductor device; and |
| Group II | - | Claims 5-18 and 20, drawn to method for fabricating a semiconductor device. |

Applicant elects without traverse, Group I - claims 1-4 and 19 for initial prosecution on the merits. Please cancel claims 5-18 and 20, without prejudice.

Applicant also reserves the right to file a Divisional Application for the non-elected claims 5-18 and 20, which the Examiner has indicated is patentably distinct.


Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

Respectfully submitted,

McDERMOTT, WILL & EMERY

Date: 3/23/04

By:



Michael E. Fogarty
Registration No.: 36,139

600 13th Street, N.W., Suite 1200
Washington, DC20005-3096
Telephone: 202 756 8000
Facsimile: 202 756 8087

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